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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,990	08/07/2001	Gerald Czech	218.1026	3569
23280	7590	09/20/2004	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			ZHEN, WEI Y	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/923,990

Applicant(s)

CZECH, GERALD

Examiner

Wei Y Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is in response to the application filed on 8/7/2001.
2. Claims 1-32 are pending.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3, 5-10, 11-24, 26-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Sundaresan, U.S. Patent No. 6,675,370.

As per claims 1-3, Sundaresan discloses substantially as claimed documenting a plurality of source files (Fig. 1 and col. 4 lines 15-27), accessing a comment from a current source file of the plurality of source files (Fig. 1 and col. 4 lines 15-27); accessing a symbol from the current source file (Fig. 1 and col. 4 lines 15-27); forming a

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document file from the symbol and the comment (Fig. 1 and col. 4 lines 15-27); repeating steps accessing a comment, accessing a symbol, forming a document, wherein the current source file is a next source file of the plurality of source files (col. 4 lines 28-47); and forming an index based on the document files (col. 5 lines 15-30).

As per claims 5-7, Sundaresan discloses wherein the source files together form a source code for an application, or the source files together form a source code for a portion of an application, or wherein the source files together form a project (col. 2 line 63 to col. 3 line 10, Fig. 1 and col. 4 lines 15-36).

As per claim 8, Sundaresan discloses at least one of the source files is a header file and the header file further comprises one or more classes; and wherein at least one of the documents further comprises a list of the classes (col. 2 lines 45-62 and col. 3 lines 1-10).

As per claim 9, Sundaresan discloses wherein the index comprises a plurality of pointers, each pointer referencing a location in at least one of the documents (col. 3 line 15-col. 4 line 27).

As per claim 10, Sundaresan discloses wherein the index further comprises a plurality of index files, a first one of the index files further comprising a plurality of pointers, each pointer referencing a first location in a second one of the index files; and the second index file further comprising a plurality of document pointers, each document pointer referencing a document location in one of the documents (col. 3 line 15-col. 4 line 27).

Claims 11-16 are rejected for the reasons set forth in the rejections of claims 5-10.

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Claims 17-22 are rejected for the reasons set forth in the rejections of claims 5-10.

Claims 23-24 are rejected for the reasons set forth in the rejections of claims 2-3.

As per claim 26, the rejection of claim 1 is incorporated and further the source file is inherently selected from a project management interface (see rejection to claim 1 above).

As per claim 27, the rejection of claim 2 is incorporated and further Sundaresan discloses that the symbol is inherently accessed from a symbol service (Fig. 1 and col. 4 lines 15-27).

Claims 28, 29, 30, 31 are rejected for the reasons set forth in the rejections of claims 1, 1, 2, 3.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 25, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundaresan, U.S. Patent No. 6,675,370.

As per claim 4, Sundaresan discloses substantially as claimed documenting a plurality of source files (Fig. 1 and col. 4 lines 15-27), accessing a comment from a current source file of the plurality of source files (Fig. 1 and col. 4 lines 15-27); accessing a symbol from the current source file (Fig. 1 and col. 4 lines 15-27); forming a document file from the symbol and the comment (Fig. 1 and col. 4 lines 15-27); repeating steps accessing a comment, accessing a symbol, forming a document, wherein the current source file is

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a next source file of the plurality of source files (col. 4 lines 28-47); and forming an index based on the document files (col. 5 lines 15-30).

Sundaresan does not explicitly disclose generating a plurality of threads, each thread operative on a separate processing device. However, Official Notice is taken that generating a plurality of threads, each thread operative on a separate processing device was well known in the art at the time the invention was made. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching of the well known knowledge into the system of Sundaresan to generate a plurality of threads, each thread operative on a separate processing device because one would want to utilize the advantage of running threads on separate processing devices to increase the performance of the system.

As per claim 25, the rejection of claim 4 is incorporated and further memory is inherently distributed over a plurality of devices (see rejection to claim 4 above).

Claim 32 is rejected for the reason set forth in the rejection of claim 4.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Y Zhen whose telephone number is (703) 305-0437. The examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wei Zhen  
Primary Examiner  
9/14/2004